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Agenda item 1

Filling of casual vacancies in the Commission

Note by the Secretariat

1. Following the resignation of Mr. Ian Brownlie, effective 8 August 2008, one seat will become vacant on the International Law Commission.

2. In this case, article 11 of the Statue of the Commission is applicable. It prescribes that:

> "In the case of a vacancy, the Commission itself shall fill the vacancy having due regard to the provisions contained in articles 2 and 8 above."

Article 2 reads:

> "1. The Commission shall consist of thirty-four members who shall be persons of recognized competence in international law.
>
> "2. No two members of the Commission shall be nationals of the same State.
>
> "3. In case of dual nationality a candidate shall be deemed to be a national of the State in which he ordinarily exercises civil and political rights."

Article 8 reads:

> "At the election the electors shall bear in mind that the persons to be elected to the Commission should individually possess the qualifications required and that in the Commission as a whole representation of the main forms of civilization and of the principle systems of the world should be assured."

3. The term of the member to be elected by the Commission will expire at the end of 2011.

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